

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
STATESVILLE DIVISION**

UNITED STATES OF AMERICA)	DOCKET NO. 5:07CR50-RLV-14
)	
)	
vs.)	DEFENDANT’S TRIAL
)	MEMORANDUM
)	
SAMUEL JUVON BOWENS)	
Defendant)	
_____)	

Now Comes Defendant by and through counsel, and respectfully submit this memorandum to advise the Court regarding his position as a defendant in the Bill of Indictment charging him with violations of Title 21 U.S.C. §§841 and 846. Defendant is willing to acknowledge his illegal activities in: Count Twenty-eight 28; Count Twenty-nine 29; and Count Thirty. However, he maintains he is not guilty of Conspiracy to Possess with the Intent to Distribute powder cocaine or cocaine base as charged in Count One of the Bill of Indictment.

No proof of knowledge of the conspiracy

According to Count One of the Bill of Indictment filed by the Government; Mr. Bowens is alleged to have knowingly entered in to an agreement with at least one other coconspirators to traffic the above referenced drugs from about January 1998 to February 26, 2008 in the Western District of North Carolina. As a long time member of the Mooresville and Statesville, NC community, Mr. Bowens is familiar with the names of several individuals listed in the Bill of Indictment. Specifically, Mr. Bowens knows Kenneth

Chuck Lawson and Joshua Dean Sharpe. He engaged in drug conveyance with them on October 12, 2007 and January 31, 2008, respectively. However on those dates the Mr. Lawson and Mr. Sharpe were acting as confidential informants for law enforcement.

While Mr. Bowens is not asserting that those specific dates are the only time he was a party to drug transactions in his entire life. Mr. Bowens maintains that he never had any knowledge of the charged conspiracy, which is exclusive of his dealings with Lawson and Sharpe. In fact Mr. Bowens maintained his autonomy by not hanging out with any of the named and unnamed coconspirators. The difference between Mr. Bowens and the others were in their: objectives, goals and, results. The only similarities are the geographic spread and the name of the controlled substance, cocaine base. Let us keep in mind that there are a limited number of controlled substances that street level dealers market to drug users. Additionally, Mr. Bowens has lived in the same area for about 35 years; his entire life. These two factors are enough to rule Mr. Bowens out of the single conspiracy that is charged in this indictment. *Sears v. United States*, 343 F.2d 139, 142 (5th Cir. 1965)

Defendant could not have foreseen the extent of the conspiracy

As a person who kept to himself; Mr. Bowen did not know and could not have reasonably foreseen the involvement of at least 50 grams of cocaine base and or 5 kilograms or more of a mixture and substance containing a

detectable amount of cocaine. As a lone drug dealer Bowens did not know, understand nor did he foresaw the involvement of the conspiracy. It is undisputed that the nature of the drug business is secretive. This fact creates the need for undercover officers and confidential informants. The furtiveness extends to the insider operators. To the extent that Mr. Bowens via his association with Mr. Sharpe or Lawson is involved in this conspiracy; he did not know the scope, range and volume of drug trafficking they were involved in. *United States v. McClellan*, 257 F.App'x 654, 656 (4th Cir. 2007) “(McClellanII)”, vacated, 129 S. Ct. 33 (2008) (No. 07-1154)

Mr. Bowens made poor decisions by engaging in drug conveyances in Count Twenty-eight 28, Count Twenty-nine 29 and Count Thirty. However the evidence will show that Mr. Bowens kept to himself and rejected social norms by riding around on a motor scooter, in a ego intensive business as drug trafficking.

Respectfully Submitted,

THIS: the 20th day of April 2009.

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Certificate of Service

I hereby certify that a copy of the Defendant's Notice of Appeal to the Fourth Circuit has been duly served upon the U.S. Attorney by serving a copy by email to:

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